

AN ORDINANCE BY
COUNCILMEMBER KWANZA HALL

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06-0-2138

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AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN AMERICASMART REAL ESTATE, LLC, URBAN LAND, LLC, AND THE CITY OF ATLANTA FOR THE ERECTION OF SEVEN PEDESTRIAN BRIDGES AT A SPECIFIED AIRSPACE RENTAL RATE; AND FOR OTHER PURPOSES

WHEREAS, Ordinance 06-O-0559, adopted by the City Council on May 1, 2006, authorized the Mayor or her designee to enter into an agreement with AmericasMart Real Estate, LLC and Urban Land, LLC, to construct seven pedestrian bridges over Harris Street, between Williams Street and Spring Street, connecting their respective properties; and

WHEREAS, Section 3 of Ordinance 06-O-0559 requires the Developer to pay a monthly rental fee for the space occupied by the bridges in accordance with Section 138-25(b)(3) of the Code of Ordinances; and

WHEREAS, Section 138-25(b)(3) provides that the monthly rental fee for the airspace occupied by bridges shall be determined by the council, on a per-cubic-foot basis, which shall be subject to change from time to time by ordinance; and

WHEREAS, no fee for the monthly rental of airspace occupied by bridges has yet been established and the Law Department has been unable to prepare a final agreement that includes the airspace rental fee for the 83,590 cubic feet to be paid by the Developer; and

WHEREAS, there is historical evidence that previous bridge agreements have imposed a three cent per cubic foot rental rate; and

WHEREAS, the Developer has met all remaining requirements of Section 138-25 of the Code, and cannot move forward with building the bridges unless a final agreement between the parties has been executed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the City Council hereby sets the monthly rental rate for the purpose of the execution of the agreement between AmericasMart Real Estate, LLC and Urban Land, LLC, and the City of Atlanta, at three cents per cubic foot per month, unless and until a new Ordinance is adopted to change said rate.

SECTION 2: That the City Attorney is hereby directed to prepare an appropriate bridge agreement for execution by the Mayor, reflecting the monthly airspace rental rate at three cents per cubic foot.

SECTION 3: That the Developer retains its obligation to obtain all other permits, including building permits, insurance on said bridges, and to abide by all other requirements of the City's Code of Ordinances, as previously ordained by City Council pursuant to Ordinance 06-O-0559.